

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE PETITION OF GEORGE LUCAS,)	
SR., D/B/A ADDISON WATER AND)	
SEWAGE FACILITIES, FOR)	
AUTHORIZATION TO CEASE)	
OPERATION AS A PUBLIC UTILITY)	CASE NO. 97-177
AND FOR DETERMINATION THAT ITS)	
FACILITIES ARE NO LONGER USED)	
TO PROVIDE SERVICE TO THE)	
PUBLIC)	

O R D E R

On June 26, 1998, the Natural Resources and Environmental Protection Cabinet ("Natural Resources") renewed its motion filed previously herein which requests the Commission to "appoint a Receiver pursuant to its authority in KRS 278.021 in the event the PSC grants the petition of abandonment filed by George Lucas, Sr., et al."¹ The heading on both motions states they are "motions for conditional appointment of receiver pursuant to KRS 278.021." The Petitioner has filed a response to both motions.

KRS 278.021 does not grant the Commission any authority to appoint a receiver.

KRS 278.021, Section (1), states in part :

The Commission may petition the Franklin Circuit Court for an order. . . placing it under the sole control and responsibility of a receiver. (Emphasis added)

¹ Motions of Natural Resources filed February 27, 1998 and June 26, 1998.

KRS 278.021, Section (2), states:


Any receiver appointed by the court shall file a bond unless
the court finds it unnecessary. (Emphasis added)


It is clear from the statute that only after a determination of abandonment is made that the Commission may petition the Franklin Circuit Court for the appointment of a receiver. The Commission does not have the authority to appoint a receiver pursuant to KRS 278.021.

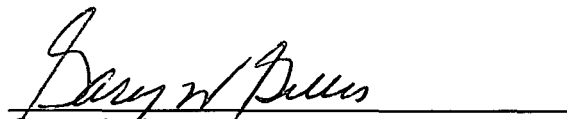
IT IS THEREFORE ORDERED that the motion to appoint a conditional receiver is denied.

Done at Frankfort, Kentucky, this 7th day of July, 1998.

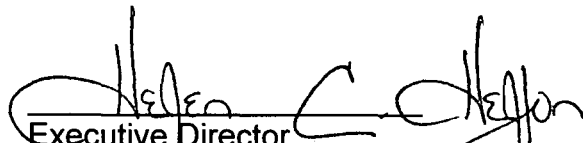
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director